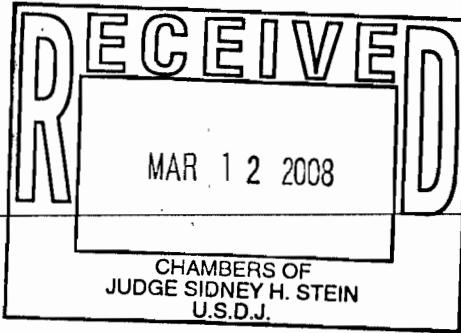




U.S. Department of Justice



United States Attorney
Southern District of New York

USDC SDNY
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DOC #:
DATE FILED: 3/12/08

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 12, 2008

BY FACSIMILE

The Honorable Sidney H. Stein
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

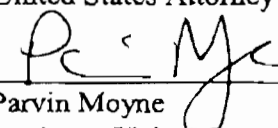
Re: United States v. Michael A. Smith
07 Cr. 1157 (SHS)

Dear Judge Stein:

The Government writes (with the consent of defense counsel) to respectfully request an adjournment of the trial scheduled for March 17, 2008. Since the last conference, the Government has granted defense counsel's request for a deferred prosecution, and has forwarded the deferred prosecution application to Pre-Trial Services for its approval. The Government has asked Pre-Trial to review the request in an expedited manner. Accordingly, the Government believes that the case will be resolved shortly.

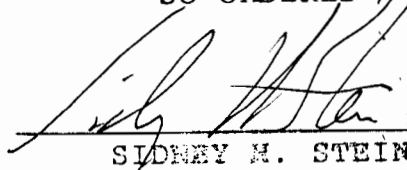
Should the Court grant the adjournment request, the Government further respectfully requests (with the consent of defense counsel) that the Court exclude the time under the Speedy Trial Act for a period of three weeks to provide Pre-Trial Services with the time needed to review the deferred prosecution application.

Respectfully submitted,
MICHAEL J. GARCIA
United States Attorney

By: 
Parvin Moyne
Assistant United States Attorney
Telephone: (212) 637-2510

The trial is adjourned to 4/14/08 at 9:30 a.m. The Court excludes time from today through 4/14/08 and finds that the ends of justice served by this continuance outweigh the best interests of the public and the speedy trial pursuant to
SO ORDERED 3/12/08

cc: Hugh Mundy, Esq. (by facsimile)


SIDNEY H. STEIN
U.S.D.J.